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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,825	11/24/2003	Craig L. Reding	03-1025	5353

32127 7590 09/09/2005

VERIZON CORPORATE SERVICES GROUP INC.
C/O CHRISTIAN R. ANDERSEN
600 HIDDEN RIDGE DRIVE
MAILCODE HQEO3H14
IRVING, TX 75038

EXAMINER

PHAN, HUY Q

ART UNIT	PAPER NUMBER
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2687

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/720,825

Applicant(s)

REDING ET AL.

Examiner

Huy Q. Phan

Art Unit

2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 07/20/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Moran et al. (US-2003/0104827).

Regarding claim 1, Moran et al. disclose a method for providing SMS messages to a user (fig. 2A and description) having a plurality of devices including a preferred device ([0009]-[0012]), the method comprising:

receiving a SMS message for one of the plurality of devices ([0033]-[0036]);

determining the preferred device for receiving messages [0036];

formatting the SMS message according to characteristics of the preferred device ([0030]-[0038]); and

sending the formatted message to the preferred device ([0038]-[0040]).

Regarding claim 2, Moran et al. disclose the method of claim 1, wherein sending the formatted message comprises sending the formatted message to a SMS-capable device ([0038]-[0040]).

Regarding claim 3, Moran et al. disclose the method of claim 1, wherein sending the formatted message comprises sending the formatted message to an e-mail address ([0034]-[0036]).

Regarding claim 4, Moran et al. disclose the method of claim 1, wherein sending the formatted message comprises sending the formatted message to an instant messenger client [0038].

Regarding claim 5, Moran et al. disclose the method of claim 1, wherein sending the formatted message comprises sending the formatted message to a phone [0039].

Regarding claim 6, Moran et al. disclose the method of claim 1, wherein sending the formatted message comprises sending the formatted message to digital companion client software ([0039]-[0041]).

Regarding claim 7, Moran et al. disclose the method of claim 1, comprising: storing messages in a database when the user's preferred device is not available to receive messages ([0028]-[0029]).

Regarding claim 8, Moran et al. disclose a system for providing SMS messages

to a user (fig. 2A and description) having a plurality of devices including a preferred device ([0036]-[0040]), comprising:

- a database for storing a specification of a preferred device ([0028]-[0029]);

- a gateway server for receiving a SMS message sent to one of the user's devices ([0034]-[0035]);

- a server function for determining the preferred device [0036]; and

- a SMS server for sending the SMS message to the preferred device [0040].

Regarding claim 9, Moran et al. disclose an apparatus (fig. 2A and description) for providing SMS messages to a user having a plurality of devices including a preferred device ([0036]-[0040]), comprising:

- a database for storing a specification of a preferred device ([0028]-[0029]);

- a gateway server for receiving a SMS message sent to one of the user's devices ([0034]-[0035]);

- a server function for determining the preferred device [0036]; and

- a SMS server for sending the SMS message to the preferred device ([0040]; also see fig. 2A and description).

Regarding claim 10, Moran et al. disclose the apparatus of claim 9, wherein the SMS server comprises a server that stores messages to a database when the user's preferred device is not available to receive messages ([0028]-[0029]).

Regarding claim 11, Moran et al. disclose the apparatus of claim 8, wherein the SMS server comprises a server that formats the SMS message in accordance with characteristics of the preferred device before sending the message to the preferred device ([0036]-[0040]).

Regarding claim 12, Moran et al. disclose an apparatus for providing SMS messages to a user (fig. 2A and description) having a plurality of devices including a preferred device ([0036]-[0040]), comprising:

means for storing a specification of a preferred device ([0028]-[0029]);

means for receiving a SMS message sent to one of the user's devices ([0034]-[0035]);

means for determining the preferred device [0036]; and

means for sending the SMS message to the preferred device ([0040]; also see fig. 2A and description).

Regarding claim 13, Moran et al. disclose the apparatus of claim 12, wherein the means for sending the SMS message comprises means for storing messages to a database when the user's preferred device is not available to receive messages ([0028]-[0029]).

Regarding claim 14, Moran et al. disclose the apparatus of claim 8, wherein the means for sending the SMS message comprises means for formatting the SMS


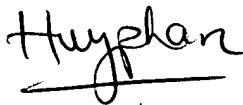
message in accordance with characteristics of the preferred device before sending the message to the preferred device ([0036]-[0040]).

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 571-272-7924. The examiner can normally be reached on 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kincaid G Lester can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SONNY TRINH
PRIMARY EXAMINER